

REMARKS

Claims 5-26 and 54-58 are currently pending in this application. Claim 5 has been amended to incorporate the features of original claim 10 (now canceled). Claims 54-57 have been amended to incorporate the features of claim 1-4, respectively. Claim 58 has been inserted in order to claim the embodiment described on pages 13 and 14 of the present specification.

In the Official Action of April 4, 2006, claims 5-10, 21-26 and 54-57 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Roe et al. This ground of rejection is respectfully traversed.

The Examiner states that Roe et al. discloses an absorbent article having a front portion, a back portion and two side portions (FIG. 1). The Examiner states that the elastic portion has a larger area in the front portion than it does in the side portions. With respect to prior (original) claim 10, the Examiner states that the elastic portion comprises a first elastic portion (34) and a second elastic portion (38), with the first and second elastic portions having larger areas than either of the side portions as shown in FIG. 1A.

In order for a claim to be anticipated by a reference, that reference must disclose each and every element of the claimed invention. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."); see, also, *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) ("The identical invention must be shown in as complete detail as is contained in the . . . claim.").

The present claims have been amended to specify that the elastic portion comprises a first elastic portion in the front part of the article, and a second elastic portion in the back portion of the article. Both the first and second elastic portions have a larger area than the associated side portions. Contrary to the Examiner's stated position, this particular configuration is not shown in the Roe et al. reference.

The first and second elastic portions of the Roe et al. reference are adjacent to each other, and both portions (34 and 38) are located in the same (front) portion of the

absorbent article. Accordingly, Roe et al. fails to disclose an article falling within the scope of the amended claims.

Claims 5-10 and 16-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Krautkramer et al. (U.S. Patent No. 6,231,557). This ground of rejection is respectfully traversed.

The Examiner states that Krautkramer et al. discloses an absorbent article (10) having a front portion (12), a back portion (14), two side portions (38), a main chassis (20), an absorbent portion and an elastic portion (30). The Examiner also states that the elastic portion of the reference comprises first and second elastic portions having larger areas than either of the side portions (38). However, the reference fails to disclose a first elastic portion in the front portion of the garment and a second elastic portion in the back portion of the garment, with both such elastic portions having larger areas than the respective associated side portions, i.e. for instance, there is only one set of side portions depicted in the reference. Accordingly, Krautkramer et al. cannot anticipate the present claims.

Claims 5-15 and 20-26 also stand rejected under 35 U.S.C. § 102(e) as being anticipated by Turi et al. (U.S. Patent No. 6,413,249). This ground of rejection is also traversed.

The Examiner states that the Turi et al. reference discloses an absorbent article (100) having a front portion, a back portion and two side portions (121, 117), pointing to FIG. 2 of the reference. The Examiner also states that elastic portion (115) has a larger area in the front portion than it does in the side portions (121,117). Applicant respectfully disagrees with this interpretation of the Turi et al. reference.

Applicant's careful review of FIGS. 2 and 2A of Turi et al. does not appear to support the Examiner's stated position that the elastic portion has a larger area in the front portion than it does in the side portion. Note that the front portion of the reference is not the entire length of elastic (115), but only half that length since the other half is the back portion. These portions appear to have roughly the same area. Although the Examiner states that the first and second elastic portions can be defined to have larger areas than the side portions, there is no support in the reference for such a definition, and

this definition would appear to be at odds with depiction of the absorbent article in FIG. 2A.

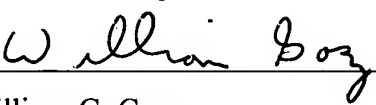
Claims 5-26 and 54-57 have been rejected under 35 U.S.C. § 102(d) as being barred by applicant's Canadian Patent No. 2,466,610 (the "Canadian patent"). This ground of rejection is traversed.

The Canadian patent is based on the same priority application as the present application, which is a divisional application of the common parent application. It is noted that the priority application has been incorrectly noted in some of the successor applications as 10/989,447, instead of the correct application number 09/989,447. Applicant is now in the process of correcting the application numbers in the derivative cases. Applicant notes that the priority dates have been correctly stated as November 11, 2001. Accordingly, the Canadian patent has the same effective filing date as the present application, and this ground of rejection should therefore be withdrawn.

In view of the aforementioned facts and reasons, the present application is now believed to overcome the remaining rejections in this application, and to be in proper condition for allowance. Reconsideration and withdrawal of the rejections, and allowance of the remaining claims of this application, are therefore respectfully solicited. The Examiner is invited to contact the undersigned at the telephone number listed below to discuss any matter pertaining to the status of this application.

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Respectfully submitted,


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